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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,209	05/15/2001	Srinivas Gutta	US010255	1301

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,209

Applicant(s)

GUTTA ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-16-2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 13 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The following recited from Claims 13 and 14 is considered non-statutory: "an article of manufacture for activating a media player, comprising: a computer readable medium having computer readable code means.."

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 6-10, 12, 14, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said user activity" in Page 9, line 1. There is insufficient antecedent basis for this limitation in the claim. Consequently, the Office suggests that "said user activity" be replaced with "said user behavior."

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Claims 7-10 are rejected for being dependent on a rejected base claim.

Claim 12 recites the limitation "said user activity" in Page 10, line 4. There is insufficient antecedent basis for this limitation in the claim. Consequently, the Office suggests that "said user activity" be replaced with "said user behavior."

Claim 14 recites the limitation "said user activity" in Page 10, lines 29-30. There is insufficient antecedent basis for this limitation in the claim. Consequently, the Office suggests that "said user activity" be replaced with "said user behavior."

Claim 16 recites the limitation "said user activity" in Page 11, lines 14-15. There is insufficient antecedent basis for this limitation in the claim. Consequently, the Office suggests that "said user activity" be replaced with "said user behavior."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Imagawa et al (US 6,353,764 and hereafter referred to as "Imagawa").

Regarding Claims 1, 11, 13, and 15, Imagawa discloses a method and a system for activating a media player or turning on a television (TV) (Column 5, lines 53-60) by evaluating or analyzing predetermined attributes or user activity via the Operator Selection Section (OSS) (Figure 1, OSS). It is necessarily inherent that in order to evaluate or analyze based on the predetermined attributes or user activity that a memory exists in the OSS with instructions to perform the evaluation method or that the memory stores computer readable code. Imagawa discloses a processor or processing means that evaluates or analyzes the user activity (Figure 1, OSS). It is necessarily inherent that the processor is operatively coupled to the memory. Imagawa discloses a computer readable medium or a system with the ability to evaluate or analyze predetermined attributes of users (Figure 1, control section). It is necessarily included that the computer readable medium has computer readable code means. Imagawa discloses that the processor or computer readable code means comprising: establishing one or more rules defining a predefined user activity (Column 5, lines 30-31), said rule including at least one condition or the user vocalized the word "television" or holds a blue ball (Column 5, lines 20-31) and an action item to be performed to automatically activate said media player when said rule is satisfied (Column 5, lines 20-31, lines 53-57); analyzing audio or voices (Figure 1, Column 2, lines 31-40, Column 4, lines 19-20) and video information (Column 2, lines 31-40, lines 55-67) focused on a user to identify said

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condition; and performing said action item if said rule is satisfied or turning on a TV if holding a ball or saying TV or saying on (Column 5, lines 30-31, 23-24, lines 53-55).

Regarding Claims 6, 12, 14, and 16, Imagawa discloses a method (Figure 1) and a system (Figure 1) for activating a media player by evaluating or analyzing predetermined attributes or user activity via the Operator Selection Section (OSS) (Figure 1, OSS). It is necessarily inherent that in order to evaluate or analyze based on the predetermined attributes or user activity that a memory exists in the OSS with instructions to perform the evaluation method or that the memory stores computer readable code. Imagawa discloses a processor or processing means that evaluates or analyzes the user activity (Figure 1, OSS). It is necessarily inherent that the processor is operatively coupled to the memory. Imagawa discloses a computer readable medium or a system with the ability to evaluate or analyze predetermined attributes of users (Figure 1, control section). It is necessarily included that the computer readable medium has computer readable code means. Imagawa discloses the processor or computer readable code means configured to analyzing audio or voices (Figure 1, Column 2, lines 31-40, Column 4, lines 19-20) and video information or positions, faces, motions (Column 2, lines 31-47) focused on a user to identify predefined user behavior (Column 5, lines 30-31); and activating said media player when said user activity is identified (Column 53-57).

Regarding Claims 2 and 7, Imagawa discloses all the limitations of Claims 1 and 6 respectively. Imagawa discloses that the user activity or behavior

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suggests that said user would like to activate said media player (Column 5, lines 30-31, lines 59-60).

Regarding Claims 3 and 8, Imagawa discloses all the limitations of Claims 2 and 7 respectively. Imagawa discloses that the user activity or behavior is ritualistic behavior and said action item is the issuance of a corresponding command (Column 4, lines 24-33, Column 5, lines 30-31) to activate said media player (Column 5, lines 53-57).

Regarding Claims 4 and 9, Imagawa discloses all the limitations of Claims 2 and 7 respectively. Imagawa discloses that the user activity is a predefined gestural command (Column 2, lines 41-47, Column 5, lines 59-60) and said action item is the issuance of a corresponding command to activate said media player (Column 5, lines 59-60).

Regarding Claims 5 and 10, Imagawa discloses all the limitations of Claim 1 and 6 respectively. Imagawa discloses that the rule includes settings (Column 5, lines 60-65) for said media player that should be established when said rule is satisfied (Column 5, lines 60-65).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Iwamura (US 6,498,628) and Maruno et al (US 6,191,773).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number


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is 571-272-5943. The examiner can normally be reached on Monday to Friday
8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Christopher Kelley can be reached on 571-272-7331.
The fax phone number for the organization where this application or proceeding
is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-
free).

FEH
July 20, 2005


VIVEK SRIVASTAVA
PRIMARY EXAMINER